

United States Court of Appeals
For The Eighth Circuit
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329
St. Louis, Missouri 63102

Michael E. Gans
Clerk of Court

VOICE (314) 244-2400
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www.ca8.uscourts.gov

March 21, 2016

Mr. Victor Lee McNeary Jr.
FEDERAL CORRECTIONAL INSTITUTION
23765-045
P.O. Box 3000
Forrest City, AR 72336

RE: 16-1695 United States v. Victor McNeary, Jr.

Dear Sir:

It has been noted that this notice of appeal is untimely filed. We've also noted that a motion has been filed with the District Court requesting leave to accept the late filing. We will await the District Court's decision before proceeding in this court.

Appointment of counsel and the setting of a briefing schedule will not be established until this jurisdictional issue is resolved.

Michael E. Gans
Clerk of Court

JMH

cc: Ms. Kathy Calvert
Mr. Daniel E Hunt
Ms. Denna Lamken
Mr. Lawrence E. Miller
Ms. Paige Wymore-Wynn

District Court Case Number: 2:12-cr-04010-GAF-1

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March 21, 2016

Mr. Daniel E Hunt
BANDRE' & HUNT
227 Madison Street
P.O. Box 1774
Jefferson City, MO 65102

RE: 16-1695 United States v. Victor McNeary, Jr.

Dear Counsel:

The district court has transmitted a notice of appeal in this criminal matter, and we have docketed it under the caption and case number shown above. Please include the caption and the case number on all correspondence or pleadings submitted to the court. Counsel in the case must supply the clerk with an Appearance Form. Counsel may download or fill out an [Appearance Form](#) on the "Forms" page on our web site at www.ca8.uscourts.gov.

You will receive a CJA appointment through the eVoucher electronic system with a login and password. Your duties as counsel are defined by Eighth Circuit Rule 27B and Eighth Circuit's Plan to Expedite Criminal Appeals. Please review these materials which are on the ["Rules and Procedures"](#) page of our web site.

Instructions for preparing vouchers for payment may be found on the court's website at www.ca8.uscourts.gov/cja-information and from the links in the eVoucher program. Submission of paper vouchers is not allowed. Vouchers should be submitted after the court issues its mandate at the close of the case.

Appointments are personal and cannot be delegated without the court's approval. If you have any questions about your appointment or the CJA voucher process, please contact this office.

The court has established a briefing schedule for the case, a copy of which will be forwarded under separate notice of docket activity. Please review the schedule and note the key filing dates. You should also review Federal Rules of Appellate Procedure 28 and 32, as well as Eighth Circuit Rules 28A and 32A. Useful information about briefing and the record on appeal can be found at these links:

media.ca8.uscourts.gov/newcoa/notes/redactcr-egov.pdf
media.ca8.uscourts.gov/newcoa/forms/crbchhk.pdf
media.ca8.uscourts.gov/newcoa/forms/crrecord.pdf

Please note that the court has eliminated the requirement for a clerk's record in criminal appeals, effective January 1, 2013. Record references to the district record made in pleadings and briefs filed in this court must be to the district court docket. For example, if the motion to suppress is district court docket number 11 and a party wishes to reference page 7 of the motion to suppress, the reference in the brief should be in the format: (DCD 11, at p.7). Transcript references should be to Volume and page number (TR., Vol. 1, p. 123). Exhibit references should be to the exhibit label attached in the district court proceedings: (Government Exh. 1, page 3; Defense Exh. C, page 4). References to the Presentence Investigation Report should be to page number: (PSR, p.17). Additional information should be provided whenever it is necessary to clearly identify a document and avoid confusion.

Paper copies of transcripts, Statements of Reasons, Presentence Investigation Reports and exhibits will be still forwarded from the district court to the circuit clerk's office, and counsel should check with the district court clerk's office to assure that all necessary materials are transmitted on a timely basis.

If a transcript will be required for the appeal, you should immediately contact the official court reporter and take steps to order the transcripts and arrange for payment for their production.

The court has directed the clerk's office to monitor and enforce compliance with the briefing schedule. Failure to meet the briefing deadlines will result in the issuance of an order to show cause and may lead to dismissal of the appeal, as well as the initiation of disciplinary proceedings. Requests for extensions of time must be filed on a timely basis and should establish good cause. Overlength briefs are strongly discouraged.

On June 1, 2007, the Eighth Circuit implemented the appellate version of CM/ECF. Electronic filing is now mandatory for attorneys and voluntary for pro se litigants proceeding without an attorney. Information about electronic filing can be found at the court's web site www.ca8.uscourts.gov. In order to become an authorized Eighth Circuit filer, you must register with the PACER Service Center at <https://www.pacer.gov/psco/cgi-bin/cmecf/ea-regform.pl>. Questions about CM/ECF may be addressed to the Clerk's office.

If you have any questions about the schedule or procedures for the case, please contact our office.

Michael E. Gans
Clerk of Court

JMH

Enclosures

cc: Ms. Kathy Calvert
Mr. Victor Lee McNeary Jr.
Mr. Lawrence E. Miller
Ms. Paige Wymore-Wynn

District Court Case Number: 2:12-cr-04010-GAF-1

Caption For Case Number: 16-1695

United States of America

Plaintiff - Appellee

v.

Victor Lee McNeary, Jr.

Defendant - Appellant

Addresses For Case Participants: 16-1695

Mr. Daniel E Hunt
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227 Madison Street
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Ms. Paige Wymore-Wynn
U.S. DISTRICT COURT
Western District of Missouri Clerk's Office
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80 Lafayette Street
Jefferson City, MO 65101